

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL D. WOOD, CLERK
U.S. BANKRUPTCY COURT
COLUMBUS, OHIO

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FILED
CLERK

In re:

Case No.: 01-65068

Carol Jean Ryan,

Chapter 7 (Judge Caldwell)

Debtor.

Larry J. McClatchey, Trustee,

Adversary Proceeding No. 03-02630

Plaintiff,

Vs.

R-Way Lumber Co., Inc., et al.,

Defendants.

**ANSWER OF DEFENDANT, STATE OF OHIO, BUREAU OF WORKERS'
COMPENSATION, TO PLAINTIFF'S COMPLAINT**

Defendant, State of Ohio, Bureau of Workers' Compensation ("BWC"), states the following for its answer to the complaint of Plaintiff, Larry J. McClatchey, Trustee (the "Trustee").

FIRST DEFENSE

1. BWC admits the allegations of Paragraph 1 to the extent the same are of public record.

2. BWC denies that this Court has jurisdiction over it or any other state agency named in the complaint but otherwise admits the allegations contained in Paragraph 2 of Trustee's complaint.
3. BWC denies the allegations contained in the paragraphs numbered as 3, 4 and 6 - 8 (sic) of Trustee's complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.
4. BWC admits the allegations contained in Paragraph 9 of the Trustee's complaint.
5. BWC denies the allegations contained in Paragraphs 10 – 16 of Trustee's complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.
6. BWC denies the allegations set forth in Paragraph 17 of Trustee's complaint as this Court has no jurisdiction over BWC. For its further answer to Trustee's complaint, BWC states that, to the extent this Court has jurisdiction over BWC, its lien passes to the proceeds of any sale ordered herein.

SECOND DEFENSE

7. This court has no jurisdiction over BWC pursuant to the principles of sovereign immunity.

THIRD DEFENSE

8. BWC's complaint fails to state a claim for which relief may be granted as against BWC.

Wherefore, for the above reasons, State of Ohio, Bureau of Workers' Compensation,
respectfully requests that this court dismiss the complaint as against it.

Respectfully submitted,

Jim Petro (0022096)
Attorney General of Ohio



Michelle T. Sutter (0013880)
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Attorney for BWC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer of State of Ohio, Bureau of Workers' Compensation, to Plaintiff's Complaint was served by regular U.S. mail this 12th day of January, 2004 upon Stephen D. Estelle, 65 East State Street, Suite 1800, Columbus, OH 43215; R-Way Lumber Co., Inc., c/o Clarence R. Ryan, Statutory Agent, 36574 U.S. 36 Route 3, Warsaw, OH 43844; Carol Jean Ryan, 128 West Lucas Drive, Apt. C, Dresden, OH 43821; Andy D. Weaver, his heirs, successors and assigns, 4917 C.R. 207, Millersburg, OH 44654; United States of America, c/o Sharon Zealey, United States Attorney, 2 Nationwide Plaza, 4th Floor, 280 North High Street, Columbus, OH 43215; Coshocton County Treasurer, Courthouse Annex, 349 Main Street, Coshocton, OH 43812; First Knox National Bank of Mount Vernon, Attention: President or CEO, 1 South Main Street, Mount Vernon, OH 43050; Coshocton County Auditor, 349 Main Street, Coshocton, OH 43812; Wilma Molen, 655 West Kemper Road, Coshocton, OH 45246; Charles F. Harmon, 255 Beaver Street, P.O. Box 324, Warsaw, OH 43844; Bank of New York, as Trustee, c/o Countrywide Home Loan, 7105 Corporate Drive, PTXB-35, Plano, TX 75024 and Margaret Knicely, Trustee, Loren Knicely, Trustee, 5270 School House Road, Frazeyburg, OH 43822.



Michelle T. Sutter